

Florida Supreme Court
Case No.: SC00-2226
JUDGE: CYNTHIA A. HOLLOWAY

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A

Florida Supreme Court
Case No.: SC00-2226

JUDGE: CYNTHIA A. HOLLOWAY
NO.: 00-143

**SPECIAL COUNSEL'S PRIVILEGE LOG IN RESPONSE TO
JUDGE HOLLOWAY'S SUBPOENA DUCES TECUM FOR DEPOSITION OF
ROBERT W. BUTLER**

The undersigned special counsel hereby files this, Privilege Log in Response to Judge Cynthia A. Holloway's Subpoena Duces Tecum for Deposition of Robert W. Butler, and states as follows:

1. A Subpoena Duces Tecum for Deposition of JQC investigator Robert W. Butler was issued on or about April 11, 2001. Said subpoena commands Mr. Butler to appear for deposition and bring the following:

Any and all notes, tapes (audio and video), statements, reports, memoranda, letters and other communications relating to any investigation of the Honorable Cynthia A. Holloway.

2. The undersigned Special Counsel objects to the production of the requested items on the basis of attorney client privilege and work product doctrine. Specifically, the JQC is asserting a privilege objection to any documents in Mr. Bulter's possession concerning matters unrelated to the pending charges against Judge Holloway.

3. The following is a privilege log concerning items related to the pending charges:

- a. Correspondence from Mark Johnson, dated April 10, 2000.
- b. Correspondence to Robert W. Butler from JQC, dated May 16, 2000.
- c. Correspondence to Robert W. Butler from Tom MacDonald, dated May 16, 2000.
- d. Robert W. Butler's employment contract.

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- e. Correspondence from Mark Johnson, dated July 11, 2000.
- f. Correspondence from Mark Johnson dated August 7, 2000.
- g. Faxed memo from Mark Johnson dated June 29, 2000.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail and Facsimile to: Scott K. Tozian, Esq., Smith & Tozian, P.A., 109 North Brush Street, Suite 150, Tampa, Florida 33602; Michael S. Rywant, Esq., Rywant, Alvarez Jones, Risso & Gyrtton Honorable James R. Wolf, Chairman Judicial Qualifications Commission, Room 102, The Historic Capitol, Tallahassee, Florida 32399, Brooke Kennerly, Executive Director, Judicial Qualifications Commission, Room 102 - The Historic Capitol, Tallahassee, Florida , 32399, John Beranek, Esq., Ausley & McMullen, Washington Square Building, 227 Calhoun Street, Tallahassee, Florida and 32302, this _____ day of May, 2001.

KAYE, ROSE & MALTZMAN, LLP
One Biscayne Tower, Suite 2300
2 South Biscayne Boulevard
Miami, Florida 33131
Tel.: (305) 358-6555
Fax.: (305) 374-9077

By: _____
BEATRICE A. BUTCHKO
Florida Bar No. 0817163